

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 31139WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/IE2004/000104	International filing date (<i>day/month/year</i>) 03 August 2004 (03.08.2004)	Priority date (<i>day/month/year</i>) 31 July 2003 (31.07.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant EDMAK LIMITED		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 06 February 2006 (06.02.2006)
Facsimile No. +41 22 740 14 35	Authorized officer <div style="text-align: center; font-weight: bold;">Beate Giffo-Schmitt</div> Telephone No. +41 22 338 87 20

PATENT COOPERATION TREATY

REC'D 06 DEC 2004

corrected version PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/E2004/000104

International filing date (day/month/year)
03.08.2004

Priority date (day/month/year)
31.07.2003

International Patent Classification (IPC) or both national classification and IPC
A47K7/03, D04H1/46, D04H1/02, A61K7/48

Applicant
EDMAK LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IE2004/000104

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

 International application No.
PCT/IE2004/000104

Box No. II Priority

 1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

 2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6, 7, 10-13
	No: Claims	1-5, 8, 9, 14-28
Inventive step (IS)	Yes: Claims	
	No: Claims	1-28
Industrial applicability (IA)	Yes: Claims	1-28
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

 1. Certain published documents (Rules 43*bis*.1 and 70.10)

and / or

 2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

see form 210

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IE2004/000104

Re Item V.

- 1 The attention of the Applicant is drawn to the fact that the application contains 12 independent claims under product category (i.e. claims 1, 2, 14-23) and 7 independent claims under process category (i.e. claims 8, 9, 24-28).
Any independent claim should contain all the technical features essential for the definition of the invention (Article 6 PCT taken in combination with Rule 6.3(b) PCT).
In the present application, such a number of independent claims of the same category, most of them referring to the same product or process, renders the subject-matter for which protection is sought unclear, since it does not allow to distinguish which features are essential for the definition of the invention, and which features correspond to preferred embodiments. Despite this lack of clarity, an opinion on novelty and inventive step is given below as far as possible.
- 2 The following documents are referred to in this communication:

D1: EP 0 970 674 A
D2: US 2003/124942 A1
D3: EP 0 870 496 A
D4: US 2002/124366 A1
D5: DD 286 630 A5
- 3 Document D1 discloses a cleansing pad, namely to remove make-up, which comprises outer panels of nonwoven cotton, formed from hydroentangled cotton fibres. The pads are impregnated with a liquid or lotion, for example to assist make-up removal. Even if the document is silent about dry weight of the pads, it appears that the claimed ranges of dry weight are common in the art, and hence the pads disclosed in D1 will fall within this range. A strip comprising a plurality of pads being joined together edge to edge along a tear-away link is also disclosed. The strip is folded back and forth in a zig-zag formation, the tear-away links forming hinges for folding the pads, and a roll arrangement is also foreseen (cf. D1 paragraphs [0012]-[0014], [0027], [0036]). The subject-matter of claims 1, 5, 8, 9, 14-28 is therefore not new in view of D1 (Article 33(2) PCT).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IE2004/000104

- 4 Document D2 discloses a pad or wipe made of hydroentangled cotton, and having sufficient physical strength. Different compositions can be incorporated into the wipes. Example 1 discloses wipes having a dry weight falling within the ranges claimed in the present application (cf. D2 paragraphs [0008]-[0010], [0013], [0015], [0020]). The subject-matter of claims 1, 8, 14-16, 24, 25 is therefore not new in view of D2 (Article 33(2) PCT).
- 5 Document D3 discloses skin cleansing pads made from hydroentangled cotton, which are impregnated with a cleansing solution. Preferred pads have a dry weight in the range 20-120 g/m², but higher values are not excluded (cf. D3 page 4 lines 29-51, claims 1-5, examples 1, 2, table 4). The subject-matter of claims 1, 8, 14-16, 24, 25 is therefore not new in view of D3.
- 6 Furthermore, a selection of range of dry weight of the pad does not appear to involve an inventive step (Article 33(3) PCT), since hydroentangled cotton pads, suitable for impregnation, can be prepared in different dry weight, in order to improve the properties of the material, namely its robustness (cf. D2, and passages cited above, D4, namely paragraphs [0040], [0049], and D5, example).
- 7 All the features disclosed in the present application referring to the way of arranging and packaging the pads appear to be already known for the same purpose, and therefore they can not be the basis for an inventive step (Article 33(3) PCT).
- 8 Dependent claims 2-4, 6, 7, 10-13 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).
 - 8.1 The features of dependent claims 2-4 have already been employed for the same purpose in a similar cleansing pad, see documents D1-D3.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IE2004/000104

- 8.2 In claims 6 and 7 a slight change in the strip of claim 5 is defined which comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen.
- 8.3 In claims 10-13 a slight change in the process of claim 9 is defined which comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen.